



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The General Food Law (Amendment etc.) (EU Exit) Regulations 2019**

DATE **4 February 2019**

BY **Rebecca Evans AM, Minister for Finance and Trefnydd**

The General Food Law (Amendment etc.) (EU Exit) Regulations 2019

The retained EU law which is being amended

- Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (“General Food Law Regulation”)
- Commission Implementing Regulation (EU) No. 931/2011 on the traceability requirements set by Regulation (EC) No. 178/2002 of the European Parliament and of the Council for food of animal origin

The retained EU law which is being revoked

- Commission Regulation (EU) No. 16/2011 laying down implementing measures for the Rapid alert system for food and feed

Any impact the SI may have on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence

This SI will enhance the Welsh Ministers’ executive powers. It will transfer the European Commission’s current legislative powers under the General Food Law Regulation to the Welsh Ministers in relation to Wales. This will enable the Welsh Ministers to make regulations, subject to annulment by resolution of the National Assembly, to apply food traceability requirements to specific sectors. The SI will not have any impact on the Assembly’s legislative competence.

The purpose of the amendments

The purpose of the amendments is to correct deficiencies in legislation arising from the UK leaving the European Union relating to the general food and feed safety and hygiene. The Regulations will make minimal, technical amendments to the retained direct EU law without making any material change in the level of protection given to human health or to the high

standard of food and feed that consumers expect from both domestically produced and imported products.

The Regulations will make technical fixes such as removing references to EU institutions and other Member States and will define 'third countries' as any country outside of the UK.

The main corrections proposed by these Regulations involve removing the legislative provisions that establish the European Food Safety Authority ("EFSA"). EFSA is the EU institution currently responsible for undertaking the risk/safety assessment of particular foods (e.g. new types of food additive) and wider scientific opinions. In the event of no deal being agreed with the EU, the UK will not be a member country of EFSA so the provisions providing for its establishment will be redundant. Corrections to other retained direct EU law relating to food and feed safety and hygiene will confer EFSA's current risk assessment functions on an appropriate authority operating in the UK.

The corrections to the General Food Law Regulation will also confer a duty on the Welsh Ministers, in relation to Wales, to promote the development of international technical standards for food and feed, including recognition of equivalent measures and a focus on developing countries' needs.

The Regulations will also make minor technical amendments to Regulation 931/2011 on the traceability of food of animal origin and will revoke Regulation (EU) No 16/2011 which lays down implementing measures for the Rapid alert system for food and feed ("RASFF"). In the event of no deal being agreed with the EU, the UK will not be a member country of RASFF so the implementing measures will be redundant.

The SI and accompanying Explanatory Memorandum, setting out the effect of each amendment is available here: <https://beta.parliament.uk/work-packages/zXs1Fosv>

Why consent was given

There is no divergence between the Welsh Government/FSA Wales and the UK Government (FSA UK) on the policy for the corrections. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility during this period of change. In these exceptional circumstances, FSA Wales/the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.